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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/343,859	06/30/1999	THOMAS RUBAN	GR-98-P-2862	8410

24131 7590 04/26/2006

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EXAMINER	
JAGANNATHAN, MELANIE	
ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/343,859	RUBAN ET AL.	
	Examiner	Art Unit	
	Melanie Jagannathan	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/9/2005 and phone interview on 4/19/06*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

- Examiner has withdrawn Non-final rejection mailed on 1/24/2006.
- Claims 1, 3-37 are pending.

Specification

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Objections

2. Claim 33 is objected to because of the following informalities: on lines 14-15, there seems to be typographical error such that the limitation is confusing. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 3-4, 7-17,19-25, 30, 33, 36, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit et al. US 6,157,636 in view of Smyk US 6,597,686.

Regarding claims 1, 4, 7, 36, the claimed receiving a data packet originating from a calling user by a network node in IP data network, assigning a first piece of information contained in packet to a second piece of information is disclosed by Voit et al. by laptop computer (Figure 1B, element 110) querying with a called telephone number and Internet telephony Gateway Directory (C1), which manages telephone numbers, returns an IP address for the Internet Telephony Gateway serving that telephone number. The claimed determining, with the network node, a route for the data packet through network to destination address by determining at least one further network node through which the route passes based on second piece of information and passing packet to next network node on determined route to destination address, uniquely determining route from network node to defined node of available nodes is disclosed by Voit et al. by when queried with a called number, C1 returns IP address of gateway that serves called telephone number and is used for routing call to called party. See column 13, lines 64-67, column 14, lines 8-12.

Voit et al. does not disclose the claimed information related to services available to the calling user in the Internet Protocol data network.

Smyk discloses a calling user who subscribes to an Internet routing telephone service having a customer profile including routing instructions that indicate preferred service carriers for certain calls made my calling user. See column 5, lines 9-14, lines 33-43, lines 48-67, column 6, lines 1-4.

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Voit et al. with customer profile of Smyk. One of ordinary skill in the art would be motivated to do this to provide Internet routing capability that allows intelligent routing of calls through Internet service providers preferred by users. See column 2, lines 58-67, column 3, lines 1-10.

Regarding claim 3, the claimed determining from first piece of information contained in data packet at least one detail of a desired transmission selected from group consisting of a user, a destination address, a service provider, a quality, costs and a security level is disclosed by Voit et al. by Internet telephony Gateway Directory (C1) which manages telephone numbers in the form of ranges which relate to IP address for the Internet Telephony Gateway serving that telephone number. When queried with a called number, C1 returns IP address of gateway that serves called telephone number. See column 10, lines 45-62, column 13, lines 59-67, column 14, lines 45-51. Voit et al. also discloses least cost routing where it is determined which gateway selected will result in lowest cost call, cost rate, short or least expensive packet switched network route. See column 5, lines 13-27.

Regarding claims 7, 11, the claimed passing a response data packet, sent in response to data packet, from destination address to a source address through a further network node and applying network address translation to data packet and response data packet is disclosed by Voit et al. by packet from source router arrives at next hop router which uses table to determine address of next hop and this process is repeated. See column 2, lines 41-48.

Regarding claims 8-9, the claimed changing a source address in data packet with network node on its way from source to destination address and reversing the step is disclosed by Voit et al. by router which has a database table to determine next hop for packet and this process is repeated until it reaches destination. See column 2, lines 41-48.

Regarding claim 10, the claimed entering in a response data packet on its way from destination address to changed source address a corrected source address with network node is disclosed by Voit et al. by router has a database table to determine next hop for packet and this process is repeated until it reaches destination. See column 2, lines 41-48.

Regarding claim 12, the claimed accessing a further network having a plurality of access points and destination address located in further network, by using one of the plurality of access points at a time is disclosed by Voit et al. by voice over internetworks involving terminal equipment affiliated with various networks (Figure 3) and packets sent hop by hop through routers. See column 2, lines 41-48.

Regarding claim 13, the claimed providing an information service as destination address, the information service being accessible by user only after user is registered and providing further information services accessible to user at same time is disclosed by Voit et al. by during set up of call, gateway will obtain identification and password information from caller and gateway communicates with database to authorize call and negotiate overall billing algorithm. See columns 5 and 6.

Regarding claim 14, the claimed encrypting packet is disclosed by Voit et al. by encryption in call transaction between gateway call control objects. See column 6, lines 56-67, column 7, lines 1-3.

Regarding claim 15, the claimed providing details concerning a source address in a central database, the details including a basic state relating to usage authorization of services existing in IP network is disclosed by Voit et al. by customer account management database where each Internet telephone subscriber will at least one billing and authorization account maintained. See column 5, lines 52-67.

Regarding claims 16-17, the claimed denying an unauthorized user a use of a service provided in IP network by sending a data packet of the unauthorized user to a specific entity in the network and generating an error with the specific entity is disclosed by Voit et al. by object ensuring coordination between user authorization and usage recording for a user's customer account which is invoked during a call when an authorization request is relayed over the interface. A password and account number provided by PC user is to be authenticated and the available account balance is checked to allow call and if there are multiple connections currently in service, the

authorization system ensures only one call per account is being handled to make sure maximum billing limit is not circumvented by multiple concurrent sessions. See column 10, lines 18-67, column 11, lines 1-12.

Regarding claims 19-20, the claimed charging a user and service provider based on at least one criterion selected from the group consisting of time, a volume, a number of accesses, services used, a type of data packets, and a transmission quality, the at least one criterion being collected as information in the network node during a routing is disclosed by Voit et al. by database for logging billing information for an Internet telephone service subscriber. See column 1, lines 57-67, column 2, lines 1-25, column 5, lines 52-61,

Regarding claim 21, the network includes at least one of a communication network and a data network is disclosed by Voit et al. by PSTN access network and IP network. See column 12, lines 1-16 and Figure 1B.

Regarding claims 22, 37, the claimed processor for receiving, processing and passing on data packets originating from the calling user is disclosed by Voit et al. by Internet Telephony Gateways (Figure 1B, element 118). See column 2. The claimed router operatively connected to processor for determining route for each of data packets, on basis of information gathered from data packets received from a calling user and stored supplemental information is disclosed by Voit et al. by Internet routers (Figure 14, elements R) connected to Internet Telephony Gateways (elements 520, 522, 526) and Internet Telephony Gateway Directory (C1), which manages telephone

numbers, relate called number in query from laptop computer (Figure 1B, element 110) to an IP address for the Internet Telephony Gateway serving that telephone number.

The claimed first storage operative connected to processor for storing supplemental information relating to at least one of a user and services existing in IP network, the claimed mapper operatively connected to first storage and the claimed second storage operatively connected to said first storage for storing administrative information is disclosed by Voit et al. by Internet Telephony Gateway Directory (C1) which manages telephone numbers in the form of ranges which relate to IP address for the Internet Telephony Gateway serving that telephone number and the Internet Telephony Authorization and Usage Recording Object (C3) with authorization, validation and billing databases. See column 10, lines 45-62, column 13, lines 59-67, column 14, lines 45-51.

However, Voit et al. does not disclose the claimed information related to services available to the calling user in the Internet Protocol data network.

Smyk discloses a calling user who subscribes to an Internet routing telephone service having a customer profile including routing instructions that indicate preferred service carriers for certain calls made my calling user. See column 5, lines 9-14, lines 33-43, lines 48-67, column 6, lines 1-4.

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Voit et al. with customer profile of Smyk. One of ordinary skill in the art would be motivated to do this to provide Internet routing

capability that allows intelligent routing of calls through Internet service providers preferred by users. See column 2, lines 58-67, column 3, lines 1-10.

Regarding claim 23, the claimed router determines a unique path to an interchange point by a virtual connection is disclosed by Voit et al. by packet from source router arrives at next hop router which uses table to determine address of next hop and this process is repeated. See column 2, lines 41-48.

Regarding claim 24, the claimed server having access to first storage including at least one of authentication data, access data and charge data is disclosed by Voit et al. by directory server, with authorization from C3, executes a look-up table translation to a gateway IP address. See column 25, lines 5-7.

Regarding claim 25, the claimed interface operatively connected to first storage configured to enable a user to modify supplemental information is disclosed by Voit et al. by interface C3.I4 connected to Internet Telephony Authorization and Usage Recording Object C3. See column 10, lines 18-62.

Regarding claim 30, the claimed processor is a routing engine is disclosed by Voit et al. by Internet Telephony Gateways, the claimed first storage is user management system is disclosed by Voit et al. by Internet Telephony Gateway Directory (C1) which manages telephone numbers in the form of ranges which relate to IP address for the Internet Telephony Gateway serving that telephone number, the claimed second storage is a service management module is disclosed by Voit et al. by Internet Telephony Authorization and Usage Recording Object (C3) with authorization, validation and billing databases, the claimed mapper is DNS server is disclosed by Voit et al. by

DNS (see column 2, lines 58-61, See column 10, lines 45-62, column 13, lines 59-67, column 14, lines 45-51.

Regarding claim 33, Voit et al. discloses all of the limitations except for determining providers of switching services that are accessible to user, selecting them, determining further boundary parameters from additional information which is assigned to user and which can further limit selection, picking from selected switching services with best boundary parameters, assign finally selected switching services.

Smyk discloses customer profile indicating service carrier information for calls originated from calling party (the claimed determining providers of switching services that are accessible to user), service control point analyzes service information to determine route for service carrier providing Internet communication (the claimed selecting providers), the service control point selects a route based on service carrier providing the best cost-quality balance (the claimed determining further boundary parameters such as cost limits, minimum quality (page 10 of instant specification) from additional information which is assigned to user and which can further limit selection, the claimed picking from selected switching services with best boundary parameters, assign finally selected switching services).

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Voit et al. with customer profile of Smyk. One of ordinary skill in the art would be motivated to do this to provide Internet routing capability that allows intelligent routing of calls through Internet service providers preferred by users. See column 2, lines 58-67, column 3, lines 1-10.

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit et al. in view of Smyk in further view of Dobbins U.S. Patent Number 6,147,995.

Regarding claims 5 and 6, Voit et al. and Smyk, in combination, disclose all the limitations of the claims except sending a data packet to a specific entity in the network and processing the data packet at the specific entity if the destination address contained in the data packet is incorrect (claim 5) or unknown (claim 6). Dobbins discloses a method including a connection database to send any unknown connections to a host agent. See Figure 3, element 85. Also see Figure 4-A, column 5, lines 8-28. The look-up engine (element 83, Figure 3), once a packet arrives, checks to see if the source address and destination address is located in the connection database (element 82 in Figure 3 and step 305 in Figure 4-A). If they are not found, the packet is given to a host agent (step 308 in Figure 4-A). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include in the packet routing methods of Voit et al. and Smyk, the step of sending unknown packets to a specific entity such as a host agent. One of ordinary skill in the art would have been motivated to do this since this allows for the packet to be decoded to find the network protocol source and destination addresses so the information would not be lost. See column 5, lines 18-24.

6. Claims 18, 26-29,31-32, 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit et al. in view of Smyk in further view of Srinivasan US 6,145,002.

Regarding claims 26, 28-29, Voit et al. and Smyk disclose all of the limitations of the claims except for helpdesk for offering a help option to user upon occurrence of error during access, and for sending message about error and user interface communicating through suitable protocol.

Srinivasan discloses network users' access to an Internet Service Provider. Srinivasan discloses when a call to Internet service access number is received, a subscriber registration database (Figure 1, element 54) is consulted to ensure particular subscriber station (element 10) has subscribed to requested Internet access. If station has not subscribed, service manager module (element 52) sends back an error message to central office switch (element 22) and call is terminated. Central office switch (element 22) launches a message to subscriber station which in turn causes browser software (element 14) loaded on PC phone (element 12) to recognize this message as indicating non-subscription to service and provide steps caller should take to initiate service. See column 6, lines 30-65. At the time the invention was made it would have been obvious to modify Voit to include service manager module and subscription database of Srinivasan. One of ordinary skill in the art would be motivated to do so to notify user of non-access to Internet service and to allow for solution to error.

Regarding claims 18, 27, 31-32, 34-35, Voit et al. and Smyk, in combination, disclose all of the limitations except for the claimed helpdesk offers alternative service upon occurrence of error during access and providing a help desk for user to get authorized for unauthorized service without having to clear a connection.

Srinivasan discloses network users' access to an Internet Service Provider. Srinivasan discloses when a call to Internet service access number is received, a subscriber registration database (Figure 1, element 54) is consulted to ensure particular subscriber station (element 10) has subscribed to requested Internet access. If station has not subscribed, service manager module (element 52) sends back an error message to central office switch (element 22) and call is terminated. Central office switch (element 22) launches a message to subscriber station which in turn causes browser software (element 14) loaded on PC phone (element 12) to recognize this message as indicating non-subscription to service and provide steps caller should take to initiate service. See column 6, lines 30-65. At the time the invention was made it would have been obvious to modify Voit to include service manager module and subscription database of Srinivasan. One of ordinary skill in the art would be motivated to do so to notify user of non-access to Internet service and to allow for solution to error.

Response to Arguments

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Per phone interview with Mr. Stemer, Examiner withdraws non-final rejection and submits new grounds of rejection with reference Smyk to teach claimed limitation reciting information regarding services available to calling user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ
4/21/06

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